

## **INTRODUCTION**

We, the members of the Thirty-Third Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Pennsylvania Crimes Code and related laws, occurring in Centre County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 1, do hereby make the following findings of fact, conclusions and recommendation of charges.

## **FINDINGS OF FACT**

This investigation commenced as a result of allegations of sexual assaults of minor male children by Gerald R. Sandusky ("Sandusky") occurring over a period of years while Sandusky was a football coach with the Pennsylvania State University ("Penn State") football team and after he retired from coaching. The Thirty-third Statewide Investigating Grand Jury issues this presentment in furtherance of its ongoing investigation of this matter and hereby incorporates all of its previous findings from Presentment No. 12 herein as if fully set forth.

## **VICTIM 9**

Victim No. 9 is currently an 18 year old male who met Sandusky through his childhood participation in The Second Mile Program. Victim No. 9 began participating in activities through The Second Mile Program in approximately 2004. From 2004 to 2008, Victim 9 participated in a number of Second Mile camps and activities.

Victim 9 testified that during his second summer attending Second Mile camps, he met Sandusky while participating in a pool activity as part of the Second Mile camp. Sandusky approached him, asked him about his life and spoke with him about hobbies and activities that

interested the child. After speaking for a while, Sandusky expressed an interest in spending time in the future with Victim 9. Sandusky asked for his phone number and eventually called Victim 9's mother and made arrangements to spend additional time with him. At the time of this initial contact, Victim 9 would have been 11 or 12 years old.

Subsequently, Sandusky took Victim 9 to numerous Penn State University football games. Over time, he also gave Victim 9 a number of gifts and even provided him with money. Eventually, Sandusky would also go directly to Victim 9's school and pick him up on Friday afternoons. Victim 9 would often spend overnights with Sandusky and be returned to his home, following these visits, by Sandusky.

Victim 9 testified that Sandusky was a very affectionate person. The victim testified "I took it at first he was just a nice guy, like he went to church every weekend, his kids would come over every once in a while and stuff. And after a while, like, he got used to me and stuff and started getting further and further, wanting – to touchy feely". He further stated that, in the beginning, Sandusky started out with hugging, rubbing, cuddling and tickling. These contacts, initially viewed by the victim as simple acts of affection, escalated to sexual assaults.

Victim 9 testified that, during his overnight visits with Sandusky, he always stayed in a bedroom located in the basement of the Sandusky home. He stated that there were a number of bedrooms located elsewhere in the home and that at least two of these were not occupied. Victim 9 was always, without exception, told to sleep in the basement bedroom. Victim 9 testified that Sandusky specifically told him to stay in the basement unless otherwise directed by Sandusky. He ate meals in the basement and the food would be brought to him by Sandusky. Victim 9 testified that he spent overnights in the Sandusky home on numerous occasions between the ages of 12 and 15. He further testified that despite being in the Sandusky home on these numerous

occasions, he had "barely any" contact with Sandusky's wife during his visits. He specifically testified that she "never" came into the basement when he was there.

Victim 9 described a pattern of sexual assaults by Sandusky over a period of years. Many of these assaults occurred in the basement bedroom of Sandusky's residence. The victim testified that Sandusky forced him to perform oral sex on numerous occasions. Sandusky also attempted to engage in anal penetration of Victim 9 on at least sixteen occasions and at times did penetrate him. The victim testified that on at least one occasion he screamed for help, knowing that Sandusky's wife was upstairs, but no one ever came to help him.

Victim 9 also testified that Sandusky would take him to a hotel in the State College area. At this hotel Sandusky would utilize the swimming pool, Jacuzzi and work out equipment. These visits often occurred at times when the pool was not occupied. Victim 9 testified that on one of these visits, when only he and Sandusky were in the pool, Sandusky exposed his erect penis to the victim. He stated that at other times Sandusky had him touch his erect penis and perform oral sex on him during some of these visits to the hotel.

Sandusky frequently told him that he loved and cared for him. He also told the victim to keep these things a secret.

Victim 9 contacted the Pennsylvania State Police following the public disclosure of Sandusky's arrest pursuant to Presentment Number 12.

#### VICTIM 10

Victim 10 testified that he became involved with The Second Mile in 1997 at the age of ten. He describes himself as a troubled child who was referred to The Second Mile at the recommendation of a counselor because he was experiencing difficulties in his home life.

Jerry Sandusky began to take an interest in Victim 10 after his first summer in the Second Mile camp program at Penn State. Sandusky called Victim 10's mother to invite Victim 10 to a Penn State football game in the fall of 1997. Sandusky picked Victim 10 up at his home in Centre County and took him to Sandusky's home for a meal and gathering with other children. He and other boys then went to Holuba Hall where they played football until it was time to go to the Penn State football game. Victim 10 testified that he went to several games and attended meals at the Sandusky home and tailgates given by the Sanduskys. Victim 10 says he never spent the night at Sandusky's residence but did spend most of his time in the basement when he was there.

Victim 10 described that Sandusky would wrestle with him and eventually, during one of those wrestling sessions, Sandusky pulled the boy's gym shorts down and performed oral sex on him. The boy was startled by the act. He testified that Sandusky repeated this behavior on several subsequent occasions, wrestling with him in the basement and then performing oral sex on him. Victim 10 testified that towards the end of their relationship, Sandusky asked the boy to perform oral sex on him and Victim 10 did so. Victim 10 also described Sandusky cuddling with him on the floor and that he would rub the boy's body with his hands.

Victim 10 described how Sandusky indecently touched him in the outdoor pool on campus. Sandusky would swim underneath Victim 10 and put Victim 10 up on his shoulders. While doing this, Sandusky would slide his hands up underneath Victim 10's swimming suit, touching his genitals before picking him up. This happened several times.

Sandusky took Victim 10 shopping, buying him gifts of clothes and shoes. Sandusky frequently told the boy that he loved him.

Victim 10 says that the relationship ended after an incident in Sandusky's vehicle. Sandusky was driving his car and Victim 10 was his front seat passenger. Sandusky opened his pants, exposing his penis and indicated that he wanted Victim 10 to perform oral sex on him. Victim 10 refused and Sandusky was displeased with his refusal. Victim 10 testified that after that, he told his foster mother he did not wish to spend any more time with Sandusky.

Victim 10, following the initial arrest of Sandusky, contacted the Office of Attorney General through its Child Exploitation Tip line on the Office of Attorney General Website to report his victimization.